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SEPTEMBER 10, 1943

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1943
WAR FOOD ADMINISTRATION

[FDO 81]

PART 1440—ESSENTIAL OILS

OIL OF PEPPERMINT

The fulfillment of requirements for the defense of the United States will result in a shortage of the supply of oil of peppermint for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1440.1 Restrictions relative to oil of peppermint—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "oil of peppermint" means the volatile oil distilled by steam or processed by any other means from any variety of the peppermint plant, including, but not being limited to, the varieties *Mentha piperita* and *Mentha arvensis*.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(3) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) **Restrictions.** Without regard to the rights of creditors, existing contracts, or payments made, every person who owns, controls, or has in his possession oil of peppermint on the effective date hereof or any time subsequent thereto shall promptly set aside 100% of said oil of peppermint for sale and delivery to the Food Distribution Administration, War Food Administration, including but not restricted to the Federal Surplus Commodities Corporation or to any person or agency designated by the Director: Provided, That any person who owns and has in his possession a quantity of oil of peppermint on the effective date of this order and who used oil of peppermint during the year 1941 in the manufacture of any product may during the corresponding portion of the year 1943 use 30 per centum of the quantity of oil of peppermint used by him during such corresponding period in 1941.

(c) **Report required.** Every person owning 25 pounds or more of oil of peppermint on the effective date of the order shall, within 15 days from said date, report to the Director on form FDO No. 81-1 the number of pounds of oil of peppermint owned by him on the effective date of this order and furnish such other information relative to said oil of peppermint as may be requested in said form.

(d) **Provisions of Food Distribution Regulation No. 2 not applicable.** The provisions of Food Distribution Regulation No. 2 (8 F.R. 7523), issued June 4, 1943, by the War Food Administrator, shall not be applicable to this order.

(e) **Audits and inspections.** The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of oil of peppermint of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) **Records and reports.** (1) In addition to the reporting requirement contained herein, the Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in oil of peppermint.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) **Petition for relief from hardship.** Any person affected by this order who considers that compliance herewith would work an exceptional and unreason-

able hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) **Violations.** The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using oil of peppermint, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) **Delegation of authority.** The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) **Communications.** All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C. Ref. FD-81.

(k) **Effective date.** This order shall become effective at 12:01 a. m., e. w. t., September 13, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 10th day of September 1943

MARVIN JONES,
War Food Administrator.

Press Release Immediate:
Saturday, September 11, 1943.

The War Food Administration has acted to assure an equitable distribution of oil of peppermint—an essential now limited in supply but important in both food preparations and pharmaceutical uses—by reserving all such oil for Gov-

ernment action. Most of the U. S. supply of this oil is produced in Michigan, Indiana, Ohio, California, and Oregon.

All persons now owning, controlling, or having in their possession Oil of Peppermint must set aside for Government action 100 percent of their holdings. This is required under Food Distribution

Order 81, effective September 13, 1943.

Manufacturers, druggists and others who used Oil of Peppermint in the manufacture of any product in 1941, however, may use quantities now in their possession up to the equivalent of 30 percent of the quantity used in the corresponding period of 1941.

Persons who own, control, or have in their possession in excess of 25 pounds of Oil of Peppermint, must report by September 28, showing the number of pounds of such oil owned, or in their control or possession. Reports will be on forms available from Regional Offices of the Food Distribution Administration at Chicago, Ill. (5 South Wabash Avenue), and San Francisco, Calif.

(821 Market Street) and should be sent to Director, Food Distribution Administration, War Food Administration, Washington 25, D. C.

Oil of Peppermint is the volatile oil distilled from the peppermint plant. It has important uses in foods and pharmaceuticals, including menthol. Formerly, most of the menthol used in the United States was imported from Japan. Since

the war, American farmers have attempted to increase the production of Oil of Peppermint to meet increased civilian, military, and Lend-Lease requirements for this essential oil. Due to unfavorable weather conditions this year, domestic production is very short, and control over the limited supply is necessary to assure that it will be distributed equitably.

From: Food Distribution Administration
5 S. Wabash Ave., Chicago 3, Ill.

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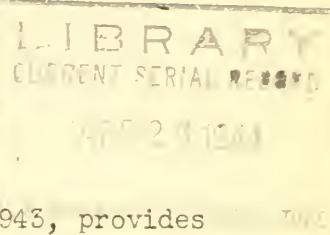
WAR FOOD ADMINISTRATION.
Food Distribution Administration
Washington 25, D. C.

January 1, 1944

OIL OF PEPPERMINT

Food Distribution Order No. 81, Amendment 1

Questions and Answers



Food Distribution Order No. 81, effective September 13, 1943, provides that all persons who owned, controlled or had in their possession a quantity of oil of peppermint must set it aside for sale to the War Food Administration or to any person designated by the Director of the Food Distribution Administration, with the proviso that manufacturers might use small percentages of their 1941 uses in manufacturing. Amendment 1, effective November 1, 1943, revoked the set-aside and permitted persons who use oil of peppermint in their manufacturing operations to purchase and use quantities higher than the limitations contained in the original order.

This statement, prepared for general distribution, is intended to supply the answers to many of the questions raised by the public. For additional information write to Order Administrator, FDO No. 81, Special Commodities Branch, Food Distribution Administration, Washington 25, D.C.

1. Q. Who is regulated by Food Distribution Order No. 81, Amendment 1?

A. Every person using oil of peppermint in his current manufacturing operations who did not use oil of peppermint in his manufacturing operations during 1941. Also, every person who used oil of peppermint in his manufacturing operations during 1941 who uses more than 10 pounds of oil of peppermint in his manufacturing operations during any current calendar quarter.

2. Q. To whom does the small-user exemption clause apply?

A. Only to a person who used oil of peppermint in his manufacturing operations during 1941 and who uses 10 pounds, or less, of oil of peppermint in his manufacturing operations during a current calendar quarter, and the exemption applies only to such current calendar quarter.

3. Q. Are persons who own, control, or have in their possession oil of peppermint required to set it aside for the War Food Administration or any other governmental agency?

A. No. The set-aside restrictions of FDO No. 81 are revoked under Amendment 1.

4. Q. What effect does the amended order have on growers and producers of oil of peppermint?
 - A. It releases stocks of oil of peppermint formerly set aside and permits sales to all legitimate users, dealers, and distributors.
5. Q. What effect does the amended order have on dealers and distributors?
 - A. It releases stocks of oil of peppermint formerly set aside and permits sales to persons authorized to use such material.
6. Q. What effect does the amended order have on users of oil of peppermint?
 - A. The use of oil of peppermint by any person is subject to the quota limitations prescribed or provided for in the amendment which have been set up for each particular industry.
7. Q. What reports are required under the amended order?
 - A. One copy of Form FDO 81-2, showing prior use, is required to be filed by each person who has used in the aggregate 40 pounds or more of oil of peppermint during any calendar year in 1941, 1942, or 1943. These reports shall be filed not later than January 31, 1944.
8. Q. Under the restrictions of FDO No. 81, as amended, who may purchase oil of peppermint?
 - A. Any person may purchase for resale oil of peppermint without restriction. However, any person who uses oil of peppermint in his manufacturing operations may not buy an amount in excess of the difference between his present inventory and the unused portion of his quota for the year ending September 30.
9. Q. What is the effective date of FDO No. 81, Amendment 1?
 - A. November 1, 1943.
10. Q. Who will administer the order as amended?
 - A. The amended order will be administered by the Director of Food Distribution, War Food Administration, or by his designee.
11. Q. What procedure may be followed by persons who consider that compliance with the amended order will work an unreasonable hardship upon them?
 - A. A petition for relief from hardship setting forth all pertinent facts and indicating the nature of the relief desired may be submitted to the Order Administrator.
12. Q. Are exports of oil of peppermint in bulk permitted at the present time?
 - A. Yes, upon approval of export application by appropriate governmental agencies.

13. Q. Is there any restriction on the exportation of finished products into which oil of peppermint has been incorporated?
- A. FDO No. 81, as amended, does not directly apply to finished products containing oil of peppermint, but only to oil of peppermint as such.
14. Q. What provision is made in the amended order with respect to exportation of oil of peppermint by domestic users to associated companies in foreign countries?
- A. Any such exportation may be made, subject to approval of appropriate governmental agencies.
15. Q. What provision is made to cover the situation where a user of oil of peppermint did not use any of this material in 1941?
- A. Where a user did not manufacture a certain product in a particular calendar quarter in 1941, he must apply for, and be granted, a quota for such use for the corresponding current calendar quarter before manufacturing that product in such current calendar quarter.
16. Q. Is specific authorization from the Order Administrator required in order to effect purchases or sales of oil of peppermint?
- A. No.
17. Q. What responsibility applies to the user of oil of peppermint who wishes to purchase and use a quantity of this material?
- A. Each user of oil of peppermint is charged with the responsibility of observing the provisions of the amended order, particularly those relating to use and inventory.
18. Q. To whom should communications pursuant to the amended order be addressed?
- A. Communications should be addressed to the Order Administrator, FDO No. 81, Special Commodities Branch, Food Distribution Administration, Washington 25, D. C.
19. Q. How does the amended order apply to users of oil of peppermint for the extraction of menthol?
- A. Any person wishing to use oil of peppermint for this purpose must obtain prior allocation of oil of peppermint for menthol extraction from the Director of Food Distribution, War Food Administration, attention Administrator, FDO No. 81, Washington 25, D. C.

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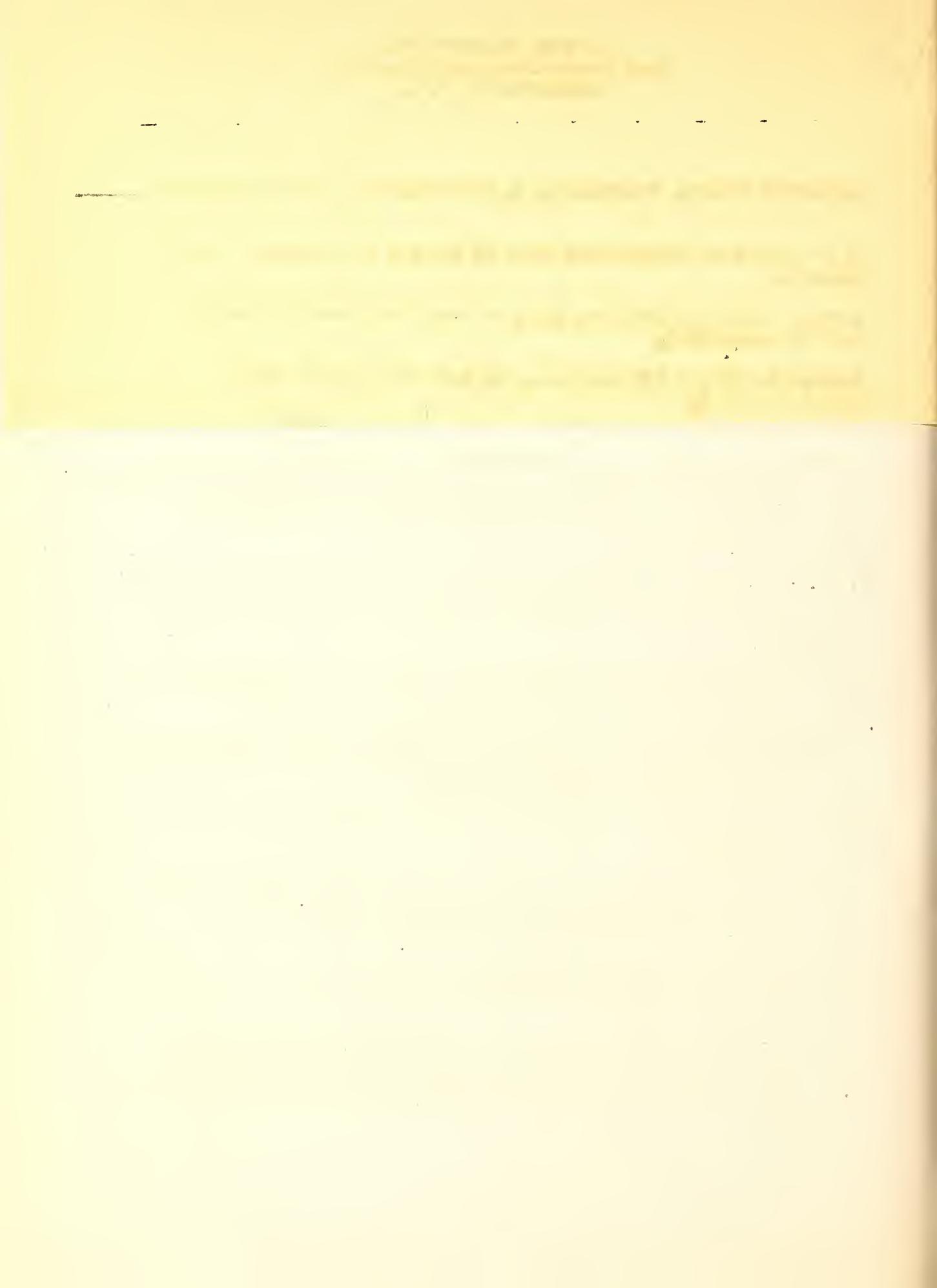
WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

CORRECTION NOTICE: FDO-B10-Jndt. I. Essential Oils, Oil of Peppermint

In printing Food Distribution Order 88 Jndt. I the following errors occurred:

Section 1440.1 (d) (2) 23th line, the word "requirements" should read "acquirements".

Section 1440.1 (j) (3) 3rd line, the word "designated" should read "designate".



WAR FOOD ADMINISTRATION

[FDO 81, Amdt. 1]

PART 1440—ESSENTIAL OILS
OIL OF PEPPERMINT

Food Distribution Order No. 81 (8 F.R. 12525), issued by the War Food Administrator on September 10, 1943, is amended to read as follows:

§ 1440.1 Restrictions relative to oil of peppermint.—(a) **Definitions.** When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "oil of peppermint" means: (i) the volatile oil distilled by steam, or processed by any other means, from any variety of the peppermint plant, including, but not limited to, the varieties *mentha piperita* and *mentha arvensis*; or (ii) the quantity of oil of peppermint, as defined in (i) above, contained in any blend, compound, or concentrate which is designed or intended for use in further manufacturing operations.

(3) The term "chewing gum" means any preparation of chicle, or other similar substance, which has been sweetened and flavored for chewing, and which contains oil of peppermint.

(4) The term "confectionery" means any preparation of candy, sweetmeats, or other form of sweets, which contains oil of peppermint, including, but not being limited to, peppermint candy and cough drops.

(5) The term "pharmaceutical preparation" means any combination of drugs (other than cough drops) compounded for medicinal use, and which contains oil of peppermint.

(6) The term "dentifrice" means any powder, liquid, or paste, which contains oil of peppermint, and which is generally designed and intended for use in connection with (i) the cleaning of natural or artificial teeth; (ii) the massaging of the gums or palate; or (iii) the stabilizing of dentures, or for use otherwise in connection with dentures.

(7) The term "menthol" means the product, known commercially by that name, which is extracted from oil of peppermint, and which is either a liquid, crystalline, or granular compound, and which has the taste and odor of peppermint.

(8) The term "miscellaneous article" means any finished preparation or prod-

uct (other than chewing gum, confectionery, pharmaceutical preparations, dentifrices, or menthol) which contains oil of peppermint, including, but not being limited to, soaps.

(9) The term "year" means the consecutive 12-month period extending from October 1 of any calendar year to September 30 of the following calendar year, both inclusive.

(10) The term "calendar quarter" means any consecutive three-month period beginning either October 1, or January 1, or April 1, or July 1 of any year.

(11) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) **Restrictions on use of oil of peppermint.** (1) No person shall, in any calendar quarter, use oil of peppermint in any class of use, listed in the following schedule in excess of the quantity equal to the percentage, specified in such schedule, of his use of oil of peppermint in that same class of use during the corresponding calendar quarter in 1941:

Class of use:	Permitted percentages of 1941 use
Manufacture of chewing gum-----	70
Manufacture of confectionery-----	70
Manufacture of pharmaceutical preparations-----	100
Manufacture of dentifrices-----	75
Manufacture of miscellaneous articles-----	70

Any person who did not manufacture the particular product during the corresponding calendar quarter in 1941 may, upon making written application therefor to the Director and furnishing such information as the Director may require, be granted a use quota, for the manufacture of such product, for the calendar quarter or calendar quarters specified by the Director and in such amount as the Director may deem to be necessary or appropriate in the public interest and to promote the national defense. The Director is hereby authorized to grant or refuse to grant a quota to any such person who submits an application and information, as aforesaid; and the Director may modify, amend, or rescind any such quota granted by him, as aforesaid. No person shall, in any calendar quarter, use oil of peppermint in excess of the quota prescribed, as aforesaid, by the Director.

(2) No person shall, in any calendar quarter, use oil of peppermint in the manufacture of menthol unless or until, as a result of his having made written application therefor to the Director and

having furnished such information as the Director may require, he has been granted a use quota, for the manufacture of menthol, for such calendar quarter or calendar quarters and in such amount as the Director may deem will be necessary or appropriate in the public interest and to promote the national defense. The Director is hereby authorized to grant or refuse to grant a quota to any such person who submits an application and information, as aforesaid; and the Director may modify, amend, or rescind any such quota granted by him, as aforesaid. No person shall, in any calendar quarter, use more oil of peppermint in the manufacture of menthol than the quota which has been granted to him by the Director.

(3) Any person who has, during the period between the effective date (September 13, 1943) of Food Distribution Order No. 81 (8 F.R. 12525), and the effective date (November 1, 1943) of this amendment to said order, used oil of peppermint in any class of use referred to in (1) or (2) of this paragraph (b) in an amount in excess of 30 percent of the quantity of oil of peppermint used by him in the same class of use during the corresponding period in 1941, pursuant to authorization by the Director on a petition for relief from hardship, filed in accordance with the provisions of paragraph (g) of said Food Distribution Order No. 81, shall deduct, in the manner specified in the last sentence of this paragraph (3), such amount used in excess of 30 percent of the amount used for the same purpose or purposes, during the corresponding period in 1941, from his quota of oil of peppermint for the same class of use. Any person who has, during the period between the date on which this amended order is made effective (November 1, 1943) and the date on which this amended order is issued (January 1, 1944) used more oil of peppermint in any class of use referred to in (1) or (2) of this paragraph (b) than his quota specified in this amended order for the same class of use during the calendar quarter in which such period is included, shall not, on that account, be deemed to have violated the provisions of either such original order or this amended order in any case where the Director had previously authorized, pursuant to action taken by him on a petition for relief from hardship filed in accordance with the provisions of paragraph (g) of said Food Distribution Order No. 81, such use to that extent; but any such excess amount so used shall be

deducted, in the manner specified in the next sentence of this paragraph (3), by such person from his quota of oil of peppermint for the same class of use provided for in this amended order. Any excess use of oil of peppermint referred to in the two preceding sentences shall be deducted by the user from his quota of oil of peppermint for the same class of use for any subsequent calendar quarter which he may elect prior to the calendar quarter which will begin on October 1, 1944.

(4) Any person may ship oil of peppermint outside the limits of the 48 States of the United States and the District of Columbia in any case where he has obtained authorizations for such shipment as may be required by the appropriate Federal governmental organizations other than the War Food Administration.

(c) *Quota exemptions.* The restrictions as to the use of oil of peppermint, as contained herein, shall not apply, in any quota period, to any person who used oil of peppermint during 1941 in his manufacturing operations, or other uses, but whose aggregate use of oil of peppermint in such current quota period is 10 pounds or less.

(d) *Restrictions on inventory of oil of peppermint.* (1) Any person who had an inventory of oil of peppermint on November 1, 1943, which was in excess of his permitted usage of oil of peppermint for the year (as defined in (a) (9) hereof) is not required by this amended order to dispose of such excess, but he may retain and use it as permitted in (b) hereof: *Provided*, That no such person shall make any further purchase of oil of peppermint, except in accordance with the terms and conditions which are set forth in (2) of this paragraph (d).

(2) No person, other than the person who had an inventory of oil of peppermint on November 1, 1943 which was in excess of his permitted usage, as provided in (1) of this paragraph, shall, on or after November 1, 1943, own, control, or have in his possession (either personally, or through an agent, or bailee) more oil of peppermint in the aggregate during any year (as defined in (a) (9) hereof) than his quota of oil of peppermint for that year. That is, the total requirements of oil of peppermint by any person (either personally, or through an agent, or bailee) during any such year shall not, when added to the amount of oil of peppermint which he had on hand (either personally, or through an agent, or bailee) unused at the beginning of that year, exceed his quota of oil of peppermint for such year: *Provided*, That any person may carry on hand at any one time, in addition to the amount authorized in the two preceding sentences, a stock of oil of peppermint sufficient to meet his requirements for the next succeeding 90 days in manufacturing products for delivery to or for the account of the agencies or persons listed or referred to in (f) hereof. *Provided further*, That the Director may, if he shall deem it desirable to do so at any time, fix the

amount of oil of peppermint which any such person may carry on hand for such non-quota use, in which event the amount so fixed by the Director shall be the maximum amount which may be carried on hand for that purpose.

(3) The restrictions set forth in (1) and (2) of this paragraph (d) shall not apply to any person in connection with oil of peppermint which he manufactures, or which he holds, in the capacity of wholesaler or dealer, for sale to others: *Provided*, That those restrictions shall apply in connection with oil of peppermint which he uses in manufacturing other products.

(e) *Carrying over of quotas.* If, in any calendar quarter, any person does not use, in any class of use, his quota of oil of peppermint, as provided for in (b) hereof, he may carry over such unused portion to the succeeding calendar quarter or quarters and use such portion during any such succeeding quarter or quarters in his discretion.

(f) *Non-quota uses.* Notwithstanding the restrictions contained in (b) hereof, and without charge to his quotas thereunder, any person may use any amount of oil of peppermint necessary for the manufacture of any product listed in (b) hereof which is to be delivered to:

(1) The Army, Navy, Marine Corps, or Coast Guard of the United States (including, but not limited to, United States Army post exchanges, United States Navy ships' service departments, and United States Marine Corps post exchanges);

(2) The Food Distribution Administration, War Food Administration (including, but not limited to, the Federal Surplus Commodities Corporation);

(3) The War Shipping Administration;

(4) The Veterans Administration;

(5) The United Service Organizations, Inc.;

(6) Any person who, pursuant to a food distribution regulation, is entitled to purchase oil of peppermint subject to this order;

(7) Any other instrumentality or agency designated by the War Food Administrator;

(8) Any person for use in the manufacture of any product to be delivered to any of the agencies or persons listed or referred to in (1), (2), (3), (4), (5), (6), and (7) of this paragraph (f); or

(9) Any wholesaler or jobber for delivery to any of the agencies or persons listed or referred to in (1), (2), (3), (4), (5), (6), and (7) of this paragraph (f): *Provided, however*, That the responsibility shall be upon the person claiming such exemption for non-quota use to establish, to the satisfaction of the Director, that the oil of peppermint involved was actually used in the manufacture of the products delivered to one or more of the exempt agencies or persons listed or referred to above.

(g) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(h) *Territorial extent.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of oil of peppermint of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Records and reports.* (1) Each person who uses oil of peppermint and who used more than 40 pounds of oil of peppermint in any calendar year during 1941, 1942, or 1943 shall, within 30 days after the date of the issuance of this amended order, report to the Director on Form No. FDO 81-2 the number of pounds of oil of peppermint used by him in any of those years, and the quantity of oil of peppermint which he had on hand (either personally, or through an agent, or bailee) on December 31, 1943.

(2) The Director shall be entitled to obtain such other information from, and require such other reports and the keeping of such other records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in oil of peppermint.

(4) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 81, Special Commodities Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using oil of peppermint, or any other material subject to priority or allocation control by

the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provisions of this order.

(m) *Delegation of authority.* The Administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(n) *Communications.* All reports required to be filed and all communications concerning this order shall be addressed

to Order Administrator, Food Distribution Order No. 81, Special Commodities Branch, Food Distribution Administration, Washington 25, D. C., Ref. FDO 81.

(o) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., November 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

The War Food Administration has increased the quotas on the use of oil of peppermint—an essential oil now limited in supply, but important in both pharmaceutical and food preparations.

The percentage of oil of peppermint permitted for the manufacture of pharmaceuticals is now 100 percent of the base period (1941) use; for the manufacture of dentifrices 75 percent; and for the manufacture of confectionery, chewing gum and miscellaneous articles 70 percent.

These and other changes in Food Distribution Order No. 81 have been made in amendment 1 to the order, retroactive to November 1, 1943. The original order temporarily limited manufacturers, druggists and others who used oil of peppermint in the manufacture of any product in 1941 to the use of the equivalent of 30 percent of the quantity used in the corresponding period of 1941, if they owned or had that amount in their possession.

Increased quotas are now possible as a result of more favorable inventories compared with requirements for oil of pep-

permint and the cooperation of the industry, Food Distribution Administration officials pointed out.

In addition to issuing the new schedule of quotas the amendment also provides, among other things:

1. For the use of oil of peppermint in the manufacture of menthol: *Provided,* That written application is made to the Director of Food Distribution, that such information as the Director may require is furnished, and that a use quota has been granted by the Director for the manufacture of menthol.

2. That every person who used more than 40 pounds of oil of peppermint in any calendar year during 1941, 1942, or 1943, shall, within 30 days after the issuance of the amended order, report to the Director on Form FDO 81-2 the number of pounds of oil of peppermint used by him in any of those years, and the quantity of oil of peppermint which he owned, controlled, or had in his possession on December 31, 1943.

3. Druggists and others who used oil of peppermint in 1941, but whose aggregate use of oil of peppermint in any cur-

rent calendar quarter is 10 pounds, or less, are exempt from the restrictions of the order for that calendar quarter.

4. Any person who did not manufacture a product other than menthol during the corresponding quarter of 1941 may make written application to the Director for a use quota for the manufacture of such product.

5. Quantities of oil of peppermint purchased by the user during any year, plus the amount which he had on hand at the beginning of that year, may not exceed his quota of oil of peppermint for that year. Any person having on hand a greater quantity on the date the order becomes effective (November 1, 1943) need not dispose of such excess, but he may not purchase any more oil of peppermint until he can meet the conditions mentioned in the preceding sentence.

6. Unlimited quantities of oil of peppermint may be used in manufacturing products for the sale or delivery to the Armed Services and certain other Governmental Agencies designated in the amended order.

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

CORRECTION NOTICE: FDO-81-Amdt. 1, Essential Oils, Oil of Peppermint

In printing Food Distribution Order 81 Amdt. 1 the following errors occurred:

Section 1440.1 (d) (2) 13th. line, the word "requirements" should read "acquirements".

Section 1440.1 (j) (3) 3rd. line, the word "designated" should read "designato".

JAN. 22, 1944

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U.S. DEPARTMENT OF AGRICULTURE

WAR FOOD ADMINISTRATION

[FDO 81-1] A

PART 1440—ESSENTIAL OILS

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by Food Distribution Order No. 81 (8 F.R. 12525), issued by the War Food Administrator on September 10, 1943, as amended, and in order to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1440.2 Delegation of authority—(a) Definitions. The definitions contained in Food Distribution Order No. 81, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 81, as amended; and, when used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "order" means Food Distribution Order No. 81 (8 F.R. 12525), issued by the War Food Administrator on September 10, 1943, as amended.

(2) The term "Order Administrator" means the person designated by the Director to serve as the Order Administrator or as the alternate for the Order Administrator.

(b) Authority delegated. (1) The Order Administrator may prescribe for any applicant a use quota, if the quota prescribed does not exceed 100 pounds per calendar quarter, in accordance with the provisions of § 1440.1 (b) (1) of the order. Any such use quota prescribed by the Order Administrator shall, considering the relative essentiality of the product in which the oil of peppermint is to be used, be such as the Order Administrator deems to be necessary or appropriate in the public interest and to promote the national defense. The Order Administrator is not, however, authorized to reduce or rescind a quota previously prescribed by him, but the Order Administrator may, if he deems such to be necessary or appropriate in the public interest and to promote the national defense, increase any quota previously prescribed, if the quota as thus increased does not exceed 100 pounds per calendar quarter.

(2) The Order Administrator may prescribe use quotas, in accordance with the provisions of § 1440.1 (b) (2) of the order, if each such quota is approved by the War Production Board: *Provided*, That the aggregate amount of oil of

peppermint thus allocated by the Order Administrator, in accordance with § 1440.1 (b) (2) of the order, shall not exceed 200,000 pounds per year.

(3) The Order Administrator may, in accordance with the provisions of § 1440.1 (k) of the order, refuse to approve any petition for relief from hardship, but such Order Administrator may approve any such petition only in the event it is approved for not more than 50 pounds of oil of peppermint per calendar quarter.

(c) Retention of authority by the Director. Nothing herein contained shall be construed to abrogate any powers or authority vested in the Director by the order.

(d) Effective date. The provisions hereof shall become effective at 12:01 a. m., e. w. t., January 20, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 81, as amended, 8 F.R. 12525, 9 F.R. 152)

Issued this 22d day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

F733F

WAR FOOD ADMINISTRATION -
Food Distribution Administration
Washington 25, D. C.

December 13, 1943

To: All Regional Offices, Food Distribution Administration

From: A. L. Kalish, Administrator, FDO 81

Subject: Summary No. 3 for Inclusion in Loose Leaf Docket Files,
FDO 81 on Oil of Peppermint

General Policy:

Petitions for relief from hardship resulting from the operation of Food Distribution Order 81 continue to be received from all classes of persons affected by the order. Where sufficient facts are presented to indicate the existence of exceptional and unreasonable hardship such petitions are processed as promptly as possible and relief for a prescribed period is granted, consistent with the policy established in the administration of FDO 81.

Authorizations to Use Oil of Peppermint for Menthol Extraction:

In a limited number of instances, upon clear indication of an unreasonable hardship worked upon a person who wishes to use Oil of Peppermint for the purpose of extracting Menthol, authorizations have been granted to use a specific quantity of Oil of Peppermint during a prescribed period. Any quantities of Oil of Peppermint used for extraction of Menthol pursuant to such authorizations are to be charged against subsequent allocations of this material for such purpose.

Purchase Authorizations Issued to Distributors:

In one instance a dealer who suffered unusual hardship due to his stocks of Oil of Peppermint being frozen was permitted to sell his stocks to another person, pursuant to a purchase authorization issued to the latter person. In other cases distributors were authorized to take specific quantities of Oil of Peppermint into inventory, the volume of such transactions being consistent, so far as possible, with the normal requirements of their business. In processing this type of appeal consideration is given to the seasonal type of operation and the usage of Oil of Peppermint in batches on the part of certain ultimate users of this commodity.

Conditions Attached to such Authorizations:

In all instances where purchase authorizations for Oil of Peppermint have been granted to distributors these grants have been made conditional upon the understanding that the use of this material shall be subject to all the restrictions and provisions of FDO 81 and subject to the condition that sales of Oil of Peppermint may be made only to persons who have been specifically authorized by the War Food Administration to purchase such material.